

28 August 1953

MEMORANDUM FOR: Acting DD/A

SUBJECT : Legal Disability of CIA to Award Military Decorations

REFERENCE : Memorandum for General Cabell from Acting DD/A,
dated 31 July 1953, subject: Interim Report on
Honor Awards, with attached comments of General Cabell

1. You have asked us to review the comments of General Cabell attached to the reference to confirm CIA's legal disability to bestow military awards upon Agency personnel. We return the reference and attached comments herewith.

2. In line with your request we have examined those sections of the United States Code which provide for the establishment and award of military decorations. These sections are found in Title 10, Chapter 33, USCA, Sections 1401 et seq., and Title 34, Chapter 6, USCA, Section 351 et seq. We have considered specifically those sections which concern the authority to award since this appears to be the import of General Cabell's comments. With limited exceptions, the initial authority to award in each instance is vested in the President with a limited power of delegation to subordinate echelons of the military services. For example, Section 1410 of Title 10, USCA states:

"Award of medals and crosses by commanding generals. The President is authorized to delegate, under such conditions, regulations, and limitations as he shall prescribe, to the commanding general of a separate army or higher unit in the field, the power conferred upon him..... to award the medal of honor, the distinguished-service cross, and the distinguished-service medal. (July 9, 1918, c. 143, 40 Stat. 872.)"

Similarly, Section 364 of Title 34, USCA provides in part:

"The President is hereby authorized to delegate, under such conditions, regulations, and limitations as he shall prescribe, to flag officers who are commanders in chief or commanding on important independent duty the power conferred upon him..... to award the Navy cross, the distinguished-service medal, silver star medal, and the Navy and Marine Corps Medal; ..."

3. The foregoing sections authorizing delegation appear on their face to limit the power of award to senior officers of the military services who are in positions of command responsibility of a strictly military or naval nature. They would not appear to countenance delegations to others outside military command channels. We have further examined the regulations of the military services implementing the statutes cited and can find no instance where the definition of those eligible to award includes others than senior officers in positions of military or naval command.

4. In accordance with the foregoing it would be our opinion that there is no present provision in statute or regulations upon which CIA could rely as authority for the award of military decorations to Agency personnel.

5. It might be pointed out in comment upon paragraph 1(c) of the reference that the United States statutes establishing military decorations authorize the award of certain ones to civilian personnel serving in any capacity with the military. These decorations would include the Distinguished Service Medal (under limited conditions in time of war), the Distinguished Service Cross, Navy Cross, Silver Star, Bronze Star Medal, Air Medal, Purple Heart, and the Navy and Marine Corps Medal. It should be noted, however, that the award of these decorations may be made only by duly designated military or naval commanders.

6. In conclusion, it might be brought to General Cabell's attention that the Working Group on Honor Awards in their final report to the Chairman, CIA Career Service Board, dated 8 August 1952, strongly urged the desirability of obtaining authority for CIA to bestow awards upon its personnel in recognition of extraordinary achievement. The Working Group recommended CIA's support of an Executive Order which would establish one decoration to recognize valor and three decorations to recognize varying degrees of achievement. The former Director of Central Intelligence was of the opinion that the Agency should request establishment by Executive Order of a single award in recognition of either valor or achievement. In furtherance of his views, CIA requested approval of Executive Order 10431, establishing the National Security Medal, which was signed by the President on January 19, 1953.

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Office of General Counsel

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Att 1 - Memorandum for General Cabell re Interim Report on Honor Awards

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